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Attorneys for Kevin Long and Millcreek Commercial, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

PATTI KLAIR, ROBERT MYERS, ROBERT
BARNES, ERIC CARNRITE, ELIZABETH
HILL-D'ALESSANDRO, ROBERT
TANNEHILL, DITAS TANNEHILL, JOSE
REMENTERIA, TEENA REMENTERIA,
CHARLES BRAUER, LAURA BRAUER,
KAREN MARION, KATHERINE MADERA,
CARL MCQUEARY, LYNN MCQUEARY,
DONALD PATTERSON, KURTIS TRENT
MANNING, TONY SCHAKER, PATRICK
WHITE, HILDEGARD WHITE, QUEST
REALTY TRUST, SECURE STORAGE
LLC, KURTIS TRENT MANNING LIVING
TRUST,

Plaintiffs,

vs.

KEVIN LONG, MILLCREEK
COMMERCIAL, LLC, COLLIERS
INTERNATIONAL, ANDREW BELL,
TREVOR WEBER, SPENCER TAYLOR,
BLAKE MCDOUGAL, SCOTT
RUTHERFORD, EQUITY SUMMIT
GROUP, ELEVATED 1031,

Defendants.

STIPULATED MOTION TO EXTEND
DEADLINE TO AMEND PLEADINGS
AND ADD PARTIES

Case No. 2:23-cv-00407-AMA-CMR

District Judge Ann Marie McIff Allen

Magistrate Judge Cecilia M. Romero

Pursuant to Fed. R. Civ. P. 16(b)(4) and DUCivR 83-6, defendants Kevin Long, Millcreek Commercial, LLC, Colliers International, Andrew Bell, Trevor Weber, Spencer Taylor, Blake McDougal,¹ along with plaintiffs Patti Klair, Robert Myers, Robert Barnes, Eric Carnrite, Elizabeth Hill-D'Alessandro, Robert Tannehill, Ditas Tannehill, Jose Rementeria, Teena Rementeria, Charles Brauer, Laura Brauer, Karen Marion, Katherine Madera, Carl McQueary, Lynn McQueary, Donald Patterson, Kurtis Trent Manning, Tony Schaker, Patrick White, Hildegard White, Quest Realty Trust, Secure Storage LLC, and the Kurtis Trent Manning Living Trust (collectively, "Plaintiffs") through their respective counsel of record in this matter, hereby stipulate and together respectfully move the Court to extend the deadline in this case to file a motion to amend pleadings and to file a motion to add parties (including the option that a party may file more than one of either or both such motions prior to the deadline) until the date that is twenty (20) days from the date of Plaintiffs' initial response (the "Response") to defendant Kevin Long and Millcreek Commercial, LLC's First Set of Interrogatories and Requests for Production of Documents (the "Discovery Requests"), which Plaintiffs believe will be January 27, 2025.

Good cause exists for the requested extension because one or more defendants requests an opportunity to review the Response prior to seeking leave to add additional parties and amend pleadings. Further, discovery in this case is still in the early stages. Only two sets of written discovery requests have been sent out, and no depositions have been taken. No party would be

¹ Counsel for Defendants Kevin Long and Millcreek Commercial, LLC has not yet heard back from counsel for Defendants Scott Rutherford, Equity Summit Group, and Elevated 1031 regarding whether Scott Rutherford, Equity Summit Group, and Elevated 1031 join in this Stipulated Motion.

prejudiced by amending this deadline, as every party has stipulated to this motion. Indeed, per the Amended Scheduling Order, the deadline for the completion of fact discovery is not until July 28, 2025, and no trial date has been set. *See* Dkt. 80.

For the reasons explained above, this Court should grant this motion.

A copy of the proposed Order Extending Deadline to Amend Pleadings and Add Parties is attached.

DATED this 10thday of January, 2025.

PARR BROWN GEE & LOVELESS

By: /s/ Rodger M. Burge

Terry E. Welch

Rodger M. Burge

Bentley J. Tolk

*Attorneys for Defendants Kevin Long and
Millcreek Commercial, LLC*

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Justin T. Toth
Maria E. Windham
Nathan L. Jepson
Attorneys for Defendant Spencer Taylor

DEISS LAW PC

By: /s/ Andrew G. Deiss
Andrew G. Deiss
Corey D. Riley
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of January, 2025, a true and correct copy of the foregoing STIPULATED MOTION TO EXTEND DEADLINE TO AMEND PLEADINGS AND ADD PARTIES was filed through the Court's ECF system, providing notice to all counsel of record.

/s/ Rodger M. Burge